

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS**

JOHN G. PEDICINI, :
:
Plaintiff, :
:
v. :
: Case No. 04-12395-JLT
UNITED STATES OF AMERICA, et al., :
:
Defendants. :
:

JOINT LIST OF AGREED UPON EXHIBITS¹

The parties hereby submit the following joint list of agreed-upon exhibits pursuant to the Court's pretrial order, dated July 12, 2007:

Plaintiff's Exhibits (Agreed to by Defendants):

1. Performance Appraisals and Plans for calendar years 2001 to 2005 (P-3385, US0170 to US0175, US0077, P-3363 to P-3370, P-3329 to P3332).
2. FNS Handbook 101, also known as FNS Administrative Accounting Handbook 101 (P-162 to P-3308).
3. Funds Officer Listing, dated 1/26/1999 (P-1170 to P-1171).
4. Funds Officer Listing, dated 12/22/2004 (P-1889).
7. Designation as FCO Backup, FNS Computer System Access Request, dated 9/20/2001 (P-2315 to P-2316).
8. FNS Computer System Access Request, dated 3/12/2002 (P-3142).
9. FNS Computer System Access Request, dated 2/24/2004 (P-3415).

¹ For purposes of compiling this document and in the spirit of cooperation, the parties have used the original exhibit descriptions identified by Plaintiff's and Defendants' respective Pretrial Disclosures.

10. FNS Handbook 701, FNS Information Systems Security Policy Handbook (P-2317 to P-2379).
11. FM COOP – Contingency Contact List, FFIS & IPAS/ASAP with contact names, titles, telephone numbers and email addresses, dated 7/14/2003 (P-1365 to P-1368).
12. Memorandum from Rose McClyde, Director–Accounting Division to all funds officers requesting new employee/vendor codes in the Foundation Financial Information System (FFIS), dated 11/8/2001 (P-1359 to P-1360).
13. Certification of funds availability by John G. Pedicini, 7/27/2003 to 8/9/2003 (P-517).
14. Certification by John G. Pedicini, dated 1/21/2004 (P-1373).
17. Settlement Agreement between John G. Pedicini and FNS, dated 6/17/2002 (P-1128 to P-1130).²
30. Memorandum from Frances E. Zorn “allegedly” delegating performance of certifications to Martin Hines, Joseph Stanco, and Douglas MacAllister, dated 6/16/2003 (P-1960).
31. Memorandum from Michael Watts, FNS Civil Rights Director, to Carol A. Fields, Chief–Employment Compliance and Technical Assistance Division, regarding FNS Response to Noncompliance with a Settlement Agreement, dated 8/28/2003 (P-1292 to P-1293).³
37. Memorandum from Frances E. Zorn “allegedly” delegating performance of certifications to Martin Hines, Michael Malone, and Douglas MacAllister, dated 6/9/2004 (P-1989).
39. FNS Civil Rights Policy Directive # 2003-14, signed by Roberto Salazar, dated 7/2/2003 (P-536 to P-538).
42. Leave Without Pay Analysis prepared by John G. Pedicini from FY 2000 to FY 2003 (P-2022 to P-2031).
43. Agenda IT/IF Staff Meeting, dated 10/7/2004 (P-1322 to P-1323).
45. Leave Without Pay Analysis prepared by John G. Pedicini, dated 10/14/2004 (P-1880 and P-1881).

² Also included in Defendants’ Exhibits as Exhibit Number 6.

³ Also included in Defendants’ Exhibits as Exhibit Number 18.

- 46. Memo from John G. Pedicini to Robert Canavan regarding Leave Without Pay Analysis for FY 2004, dated 10/19/2004 (P-1781).
- 47. Certificate of Merit to John G. Pedicini signed by Frances E. Zorn and Narrative Statement attached to Form AD-287, dated 10/3/2000 (P-2004 & US0225).
- 52. Revised Allocation Reports Prepared by John G. Pedicini FY 2001 to FY 2003 (P-2009 to P-2011 and P-3389).
- 56. NERO Approval Chain [E-travel] chart (P-3303 to P-3305).
- 62. E-mail chain from Jada Johnson to Marty Hines and John G. Pedicini with attachment entitled “NERO Final Report,” dated 1/19/2006 (P-3399 to P-3409).
- 64. Memorandum from John Ghiorzi to John G. Pedicini regarding updated status of June 17, 2002 Settlement Agreement, dated 2/10/2003 (P-1134 to P-1135).
- 66. Memorandum from Gary Maupin to Allowance Holders regarding Funds Control Officer responsibilities, dated 1/28/1997 (P-1392).⁴
- 69. Memorandum from Ddouglas MacAllister for the record, regarding FPA certifying Officer, dated 5/28/2002 (US0015).

Defendants’ Exhibits (Agreed to by Plaintiff):

- 5. Procurement Documents, i.e., Compensatory Time & Overtime Authorization and Printing and Binding Requisition to the Public Printer (P517, P1375, P1373).
- 6. Settlement Agreement, dated June 17, 2002 (US0104-US0106).
- 8. 2001-2005 Performance Appraisals for John Pedicini (US0170-US0175, US0077, P-3363-P-3370, P-3329-P3332).
- 14. Memo from Gary Maupin regarding Funds Control Officer Responsibilities, dated 1/28/1997 (Bates-Stamp Number forthcoming).
- 15. Memo from Roger A. Butler regarding Permissible Expenditures, dated 11/24/1997 (Bates-Stamp Number forthcoming).

⁴ Also included in Defendants’ Exhibits as Exhibit Number 14.

18. Memo from Michael Watts to Carol Fields Regarding "FNS Response to Noncompliance with a Settlement Agreement," dated 8/28/2003 (P-1292-P-1293).⁵
19. FNS Computer System Access Request for John G. Pedicini, dated 7/20/2001 (Bates-Stamp Number forthcoming).
27. Affidavit of Lisha Dorman, dated 11/2/2005 (P2260-P2263).⁶

Respectfully submitted,

FOR THE DEFENDANTS

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⁵ Also included in Plaintiff's Exhibits as Exhibit Number 31.

⁶ This document is agreed upon by the parties to the extent that the Court does not grant Defendants' motion in limine to exclude Lisha Dorman from testifying at trial.